

## **REMARKS**

### **I. STATUS OF CLAIMS**

Upon entry of the present amendment, claims 74-77, 79, 82-84, and 86-94 will be pending, of which claims 74 and 84 are independent. Claims 1-73, 78, 81, 85, and 95-102 have been canceled. Claims 74 and 84 have been amended. No new matter has been added to the application.

### **II. REJECTIONS UNDER 35 U.S.C. § 101**

Claims 95-102 stand rejected under 35 U.S.C. § 101 is being directed to a non-statutory subject matter. All claims 95-102 have been canceled thereby rendering this rejection moot.

### **III. REJECTIONS UNDER 35 U.S.C. § 112, FIRST PARAGRAPH**

Claims 84-102 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claims 95-102 have been canceled thereby rendering the rejection of such claims moot.

With respect to the remaining claims in this rejection, the office action states that the specification fails to teach that the control unit "allows any individual games that were in progress at the time to the occurrence of the change to complete prior to recording a credit meter status and win amount for each of these gaming machines since the last change" (emphasis in the office action). It is respectfully submitted, however, that this aspect of the claims is completely supported at several portions of the specification. For example, paragraph [0108] states:

"Similarly, should a player wish to exit, that player should be allowed to do so at the time of the player's choosing. A software implemented generating module of the control unit 16 therefore generates a milestone each time the basic elements of the cooperative gaming environment change. More particularly, the elements which are monitored by the control unit 16 are the total number of players (either increasing or decreasing) ..."

At paragraph [0109], the specification states:

"When the central control unit 16 needs to generate a milestone it allows all games in progress to be completed and records the status of all credit meters and the current amount won. These are then used to determine the final amount distributed to each player for each of the phases between milestones."

In view of the foregoing, it is respectfully submitted that the specification supports the elements "prior to recording a credit meter status and win amount for each of the gaming machines since the last change."

The office action has also rejected claims 85 and 96, stating that the specification fails to disclose that enhanced game play features are enabled by the control unit when a number of total credits wagered in the cooperative gaming environment reaches a predetermined threshold."

Although applicant respectfully disagrees with this assessment, both claims have been canceled to expedite allowance of the application.

#### **IV. REJECTIONS UNDER 35 U.S.C. § 112, SECOND PARAGRAPH**

Claims 74-77, 79-80, and 82-102 stand rejected under 35 U.S.C. § 112, second paragraph. Claims 95-102 have been canceled thereby rendering the rejection of such claims moot. Further, claims 74 has been amended to clarify the claim language and to provide antecedent bases for various elements noted in the office action. Withdraw of the rejections under 35 U.S.C. § 112, second paragraph, is therefore respectfully solicited.

#### **V. REJECTIONS UNDER 35 U.S.C. 103(A)**

Claims 74-77, 79-80, and 82-102 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Walker (US Publication 2003/0064807). Claims 95-102 have been canceled

thereby rendering the rejection such claims moot. Of the remaining claims, claims 74 and 84 are the only independent claims.

**A. Independent Claim 74**

Independent claim 74 is directed to a gaming system comprising a plurality of gaming machines and a central control unit. Among other things, the central control unit interacts with at least one input interface of the gaming machine in order to present an option to allow the person to withdraw from the cooperative gaming environment prior to ending of the gaming in the cooperative game as determined by at least one rule. The control unit responds to the withdrawal of the person from the cooperative gaming environment by allowing all games in progress to be completed and recording a status of all credit meters and a current amount won to determine a final amount that is to be distributed to each player. Further, the control unit distributes the current amount won based on a number of joined gaming machines the said current amount won.

In contrast, Walker does not provide for such a withdraw of a player from the cooperative gaming environment. Rather, responses to a withdraw of a player from the cooperative gaming environment tend to be very punitive for the person that withdraws. For example, at paragraph [0254], if a group member quits, then another group member winnings may be counted twice towards the group goal without respect to the person who has withdrawn. At paragraph [0255] there is an increase in the amount of the bonus prize to remaining participants and/or modification of the game objectives. At paragraph [0256], a substitute for the person who is withdrawing must be found. In no instance does Walker respond to the withdrawal of the person from the cooperative gaming environment by allowing all games in progress to be completed and recording a status of all credit meters and a current amount won to determine a final amount that

is to be distributed to each player. Further, there is no indication in Walker of a control unit that distributes the current amount won based on a number of joined gaming machines the current amount won.

At least in view of the foregoing, it is respectfully submitted that claim 74 is patentable over Walker. Further, claims 75-77, 79, 80, 82, and 83 are patentable at least in view of their dependence on claim 74. Accordingly, applicant respectfully solicits allowance of claim 74 and all claims depended thereon.

**B. Independent Claim 84**

Claim 84 is directed to a gaming system that comprises a control unit and a plurality of gaming machines linked to the control unit. Among other things, the control unit is arranged to monitor gaming machine operation to determine a change to at least one of an amount wagered by any one of the gaming machines and a number of gaming machines participating in the cooperative gaming environment. In response to detecting an occurrence of such a change, the control unit allows any individual games that were in progress at the time of the occurrence of the change to be completed prior to recording a credit meter status and win amount for each of the gaming machines since the last change. The control unit determines a prize pool distribution amount for each of the participating game machines based on the status and when amounts recorded for the respective gaming machines since joining the cooperative gaming environment in response to detecting the occurrence of the change.

At the very least, Walker fails to disclose or suggest responding to detection of an occurrence of a change to at least one of an amount wagered... and a number of gaming machines participating in the cooperative gaming environment and allowing any individual games that

were in progress at the time of the occurrence of the change to be completed prior to recording a credit meter status and win amount for each of the gaming machines since the last change. Nor does Walker disclose or suggest that the control unit determines a prize pool distribution amount for each of the participating game machines since joining the cooperative gaming environment in response to detecting the occurrence of the change.

At least in view of the foregoing, it is respectfully submitted that claim 84 is patentable over Walker. Further, claims 85-94 are patentable at least in view of their dependence on claim 84. Accordingly, applicant respectfully solicits allowance of claim 84 and all claims depended thereon.

#### **IV. FINAL MATTERS**

As a final matter, the office action makes a number of statements regarding the pending claims; the Walker reference; 35 U.S.C. § 102 and 35 U.S.C. § 103; support in the specification for the claims under 35 U.S.C. § 112, and the state of the art that are moot in light of the present amendments and/or remarks. Thus, the applicant has not addressed all such statements at this time. The applicant neither agrees nor disagrees with such statements and explicitly reserves the right to challenge such statements in the future should the need arise.

### SUMMARY

In summary, the applicant believes that the pending claims are in condition for allowance and courteously solicits a Notice of Allowability with respect to all such claims. If the examiner disagrees or has questions regarding this submission, the applicant requests an Examiner Interview, in particular prior to the issuance of any office action. The examiner may contact the undersigned at 312-775-8000, or directly at 312-775-8256.

The Commissioner is hereby authorized to charge additional fees or credit overpayments to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

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Respectfully submitted,

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